THE HON'BLE MR JUSTICE N.V.RAMANA

WRIT PETITION No.7351 of 2007

Dated 13-04-2007

Between:
S.Vasudeva Rao.

..... PETITIONER

AND

M/s.Bhaarat Heavy Plate & Vessels Ltd. rep. By its Managing Director, Visakhapatnam & another.

.....RESPONDENTS

THE HON'BLE MR JUSTICE N.V.RAMANA

WRIT PETITION No.7351 of 2007

O R D E R:

This writ petition is filed questioning the action of the respondents in issuing the show-cause notice dated 06-04-2007 calling upon the petitioner to show cause within 48 hrs. as to why it shall not be treated that he had played fraud and secured employment in the respondent-Company and for a consequential direction to set aside the same.

The petitioner states that though he was appointed in the respondent-Company as peon in the year 1967 on the basis of the Fitness Certificate, the respondents issued the show cause notice dated 06-04-2007 stating that if his date of birth was 11-08-1950, based on the Matriculation Certificate, it must be deemed that he had secured employment in the respondent-Company by obtaining false 'Fitness Certificate' stating that he was aged about 18 years. The petitioner further states that neither he had suppressed any facts nor had misrepresented anything in respect of his date of birth and since he had not completed the age of 18 years at the time of his appointment, he was directed to submit 'Fitness Certificate' and that "Fitness Certificate' is totally different and does not have any bearing on the certificate issued for determining the age. He, therefore, seeks appropriate directions in this regard.

Learned counsel for the petitioner contends that since the respondents have themselves admitted in their counter affidavit that the petitioner, subsequent to his joining in service during the year 1970, had submitted application for employment along with Matriculation Certificate wherein his date of birth was recorded as 11-08-1950, it is clear that the petitioner has not suppressed any fact and, therefore, the respondents cannot now take a different view and

issue show cause notice.

Since the writ petition is filed only against the show cause notice, I am not inclined to go into the merits of the case at this stage and I deem it appropriate to dispose of the writ petition giving liberty to the petitioner to take all the pleas available to him in law in the explanation to be submitted by him. However, since the stipulated period of 48 hrs. had already expired, the petitioner is granted one week time from the date of receipt of a copy of this order to submit his explanation, to the show-cause notice dated
06-04-2007. The respondents, after considering the explanation submitted by the petitioner, shall pass appropriate orders, in accordance with law.

The Writ Petition is accordingly disposed of. No order as to costs.

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06-04-2007

usd